G. R. S. 58]

Previous references.

Cs. 175-13

File No. 43-13

Serial Nos. nil

1913. 14

(Legs)

Later references.

Legs 23-14-3.

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. nil

Part B for Aug 16

SUBJECT.

Amendment of section 16 of the Mysore Civil Courts Regulation, 1883.

(Notes)

W D 1351—GPB—20,000—13-12-13

Proceedings 23 8

G. R. S. 11] 1913 – 14

GENERAL AND REVENUE SECRETARIAT.

(Legis)

NOTES.

Previous reference: cts 175-13
Later reference: Legis 2 3-13

File No. 23-13

FILE HEADING.

Amendment of section 16 of the Mysore Civil Courts Regulation, 1883.

From

No.	Dated	Received

Diary No.	Enclos.	Spare Copies.	Serial No.

BRIEF ABSTRACT OF LETTER.

NOTES AND ORDERS.

General and Revenue Secretariat. | File No. of 191 .

Serial No.

Letter No 2358 dt 11/12/13 from the Registrar, Chief Court of Mysore stating that the chief court are of opinion that the Small cause jurisdiction of the Munsiff, K.G.F. may for the present be fixed at Rs. 100/- and adds that, if the proposal meets with the approval of Govt, See: 16 of the Mysore Civil Courts

Extracts from notes in Courts 175 of 1913

"The present Small cause jurisdiction of the Munsiff, K.G.F. is Rs 50/- If the same has to be enhanced, See: 16 of the Civil Courts Regn. has to be amended before orders enhancing can issue.

2) The reasons for enhancing the jurisdiction and the advantage resulting therefrom have been set forth in the Registrars' letter. Taking the figures of the last official year, it will be seen that there were 911 original suits and 1064 small cause. If the small cause jurisdiction be raised to Rs 100, the file of the Munsiff will during the year consist of Rs 500 original suits and 1500 small causes.

× × ×

4) The proposal is a very important one, being to raise the ~~standing~~ statutory limit of Small Cause Jurisdiction of Munsiffs from Rs 50 to Rs 200. The question is discussed by the Chief Court from the somewhat-

NOTE—Contn. sheet.

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narrow standpoint of one court only i.e. the K.G.T. Court, the figures furnished being for that court alone. It is however clear that the question should be discussed and decided as one of general policy and not as a convenient method of lightening the work of a single court.

5) Compared with the small cause jurisdiction exercised by Munsiffs in other parts of India, that of Munsiffs in Mysore is relatively small. In Madras the limit of jurisdiction is Rs 200 for the Munsiff and it is understood that Govt freely exercise the power of vesting Munsiffs with the minimum limit on the recommendation of the High court.

6) On general principles there seems to be no serious objection against the proposal. No doubt it will not be quite a popular measure, as parties will be deprived of the right of appeal in such cases. But there is the compensation of

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of speedier disposal and often quick justice is very much appreciated. The new Small Cause Courts Regn provide two grounds in support of this proposal. One of them which is referred to by the Chief Court is that the parties will have the opportunity of having their cases tried by a composite Court. Secondly, the Regulation, unlike the British Indian Act, specifies the classes of suits cognizable by courts of Small Causes enabling parties to know whether their cases will come under the Small Cause jurisdiction or not.

2) An analysis of the figures relating to Small cause suits in the report of Civil Justice for 1911-12 shows that the greater part of Small Cause Suits are below the value of Rs 50/-.

Out of 11365 Small Cause suits that year 1350 were suits not exceeding Rs 10 in value

8229 " between Rs 10 and Rs 50

1369 " " Rs 50 & Rs 100

417 " " Rs 100 & Rs 500

NOTE—Contn. sheet.

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power will not of course be exercised indiscriminately but with due regard to the uncertainties of each case.

First Member) (Sd) D. M. Narasinga Rao
17/2

12. I see no ~~objection~~ harm in raising the limit to 100 Rs for Munsiffs in Sec: 16 of the Small Cause Regn. (Final Note ~~not~~ put-up).

13. Please circulate for council.

Sd/- H. V. N
21/2/14

14. I agree

~~Sd/- M. K.~~

2nd member and Extraordinary Member) Sd/- S. P. R.
25/2

14. (Sd/-) M. K.
3/3

15. Approved (Sd/-) K. N. R. W
6/3/14

Dewan) (Sd/-) D. M. Narasinga Rao
7/3

NOTE—Contn. sheet.

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Trial Note by the First Member of Council.

Subject.— Proposal to increase the Small Cause jurisdiction of Munsiffs.

Under section 16 of the Mysore Civil Courts Regulation, Government may invest a Munsiff with Small Cause jurisdiction up to a limit of Rs 50/-. In connection with the Munsiff's court at Kolar Gold Fields, the chief court are of opinion that it is desirable to raise the Small cause jurisdiction to Rs 100/- as it would materially lighten the work of that court without any hardship to the parties.

In Madras, the Small Cause jurisdiction of a Munsiff is usually Rs 200/-, but considering that the public opinion in the State is against unduly raising the limit I think that we may take power to increase the jurisdiction of Munsiffs to Rs 100/-

NOTE—Contn. sheet.

GPB—70,000—17-12-15

G. R. S. 12]

General and Revenue Secretariat.

Legis File No. 43 of 1913-14

Serial No.

Subd. with a draft Bill as ordered. A draft D.O. to the Regy is (48) also put up.

6/4/14

10.4.14 In what stage is the other proposal to amend section 21 of the Civil Courts Regn? If that file is available, let me see it please

S/ON 20/4

Laid up on 15th to take this matter 11/4

Resubmitted 19/4/14

Legis 23-13 (linked file)

Subd with the other file. The draft rules framed under sec: 21 of the Regn re appointments &c of ministerial Officers of the courts have been sent to the Chief Court for opinion. Their opinion has not been received yet.

(48) 20/4/14 Await for a fortnight or so & then submit file

S/ON 20/4

Subd. No reply has been received from the chief court yet on the linked file.

(48) 7/5/14 Please put up a reminder.

Subd. with a draft reminder

(48) 8/5/14

NOTE—Contn. sheet.

GPB—60,000—7-11-13

SWW.

The linked file has not been noted upon that also contains a proposal to amend the civil Courts Regs and has to be considered also.

29/3/14

I drew up a letter to avoid orders on this file - unless the orders are appealed the question of amending the costs cannot be taken up. Please remove the file & submit it on receipt of ETs or pend otherwise

G. R. S. 12]

General and Revenue Secretariat.

Legis File No. 43 of 1913-14

Kept in Legis 23-13

Serial No.

Rems issued. No f 3272 dt 16/5/14 to the Regr Chief Court.

As another proposal for amending the Civil Courts Regn is pending Considn & as it is desirable that both the amendment should be incorporated in one bill this amendment may be kept till the other question is disposed of.

Please see that the other amendment file is expedited

SDN 27/6

Subd.

The opinion of the chief court on the draft rules in the linked file has been also received.

(48) 29/7/14

NOTE—Contn. sheet

GPB—60,000—7-11-13

General and Revenue Secretariat.

Legis File No. 43 of 1913-14

Serial No.

Subd.

The other file Legis 23-14 with (re amendment of sec: 21 of the civil courts Regn. and draft about appointment of ministerial officers and menials in the subordinate courts) has been subd to the 1st member with a revised draft ~~draft~~ Bill and draft rules. The proposal in this file has been approved by His Highness and it remains only to approve of the draft Bill with its statement of Objects and reasons and tack it on to the other Bill now before the 1st member.

(48)
25/8/14

Subd for approval.
The two amendments may be combined in one amending bill.

25/8/14

Dy Sec to Govt

Legal Remembrancer

Dy Sec to Govt

Legal Remembrancer

29/8/14

Draft one Bill with Statement of Objects & Reasons

29/8

NOTE—Contn. sheet.

GPB—60,000—7-11-13

Legs 3/18

REGULATION. No. IX OF 1915.

A Regulation further to amend the Mysore Civil Courts Regulation, 1883.

(Received the assent of His Highness the Maharaja on the 26th day of November 1915.)

Whereas it is expedient further to amend the Mysore Civil Courts Regulation, 1883; His Highness the Maharaja is pleased to enact as follows:—

Amendment of the second para to Section 16 of the Regulation.

1. In the second paragraph to Section 16 of the Regulation, the figure "100" shall be substituted for the figure "50" occurring at the end of that paragraph.

Substitution of a new section for Section 21 of the Regulation.

2. For Section 21 of the Regulation the following new section shall be substituted:—

"21. Subject to such rules as the Government of Mysore may prescribe in this behalf, the ministerial officers of every Court shall be appointed and may be fined, suspended or removed, by the Judge of that Court."

M. VISVESVARAYA,
Dewan.